

**JUDGE GRIESA**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**11 CIV 2474**

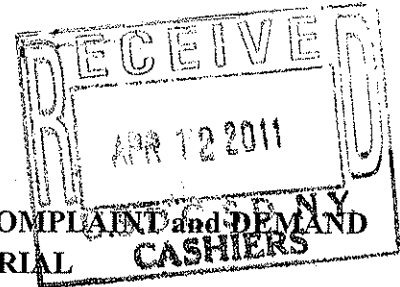
MATTHEW HARS,

Plaintiff,

-against-

FIDELIS RECOVERY SOLUTIONS, INC.,

Defendant.



NOW COMES Plaintiff, Matthew Hars ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, Fidelis Recovery Solutions, Inc. ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in New York, New York County, New York.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a company conducting business in the state of New York.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant is principally located in the state of Georgia, and conducts business in New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant constantly and continuously calls Plaintiff seeking and demanding payment of an alleged debt.

11. Defendant calls Plaintiff every day, approximately two (2) to four (4) times a day since January 2011. See Exhibit A hereto.

12. On February 25, 2011, February 24, 2011, February 3, 2011 and February 2, 2011, Defendant called Plaintiff four (4) times in one day.

13. On February 3, 2011 Defendant called Plaintiff three (3) times in one morning.

14. Defendant calls Plaintiff from telephone numbers, 973-679-4223, 973-679-4286, 973-679-4219.

CLAIM FOR RELIEF

15. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff in connection with the collection of a debt; and

- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

16. Plaintiff is entitled to his attorney's fees and costs incurred in this action.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: March 15, 2011

KROHN & MOSS, LTD.

By:   
Adam T. Hill  
KROHN & MOSS, LTD.  
120 W. Madison St., 10th Fl.  
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ahill@consumerlawcenter.com  
Attorney for Plaintiff

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, Matthew Hars hereby demands a jury trial in this matter.

VERIFICATION

STATE OF NEW YORK )

:ss.:

COUNTY OF NEW YORK )

Plaintiff, Matthew Hars, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Matthew Hars, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 3/24/10

  
Matthew Hars

**EXHIBIT A**

**Matthew Hars v. Fidelis Recovery Solutions**

Calls from 973 679 4223 1973 679 4286 1973 679 4219

3/2/11 5:09 PM  
3/2/11 11:51 AM  
3/2/11 9:47 AM

2/28/11 2:39 PM  
2/28/11 12:27 PM

2/25/11 2:29 PM  
2/25/11 1:30 PM  
2/25/11 11:32 AM  
2/25/11 8:39 AM

2/24/11 4:28 PM  
2/24/11 2:53 PM  
2/24/11 12:13 PM  
2/24/11 9:37 AM

2/22/11 7:20 PM  
2/22/11 5:54 PM

2/21/11 6:25 PM

2/18/11 1:40 PM  
2/18/11 9:16 AM

2/16/11 2:07 PM  
2/16/11 9:37 AM

2/15/11 2:58 PM  
2/15/11 1:30 PM  
2/15/11 1:29 PM

2/14/11 7:36 PM  
2/14/11 5:21 PM  
2/14/11 3:45 PM

2/11/11 3:19 PM  
2/11/11 8:38 AM

2/10/11 2:20 PM  
2/10/11 12:18 PM

2/9/11 11:33 AM  
2/9/11 11:33 AM  
2/9/11 10:29 AM

2/8/11 5:16 PM  
2/8/11 2:56 PM  
2/8/11 1:01 PM

2/7/11 2:32 PM  
2/7/11 1:28 PM

2/4/11 3:26 PM  
2/4/11 2:48 PM  
2/4/11 10:47 AM  
2/4/11 9:00 AM

2/3/11 2:26 PM  
2/3/11 11:32 AM  
2/3/11 10:07 AM  
2/3/11 9:10 AM

2/2/11 5:21 PM  
2/2/11 11:35 AM  
2/2/11 10:44 AM

2/1/11 5:42 PM

1/28/11 3:56 PM

1/24/11 6:01 PM

1/21/11 11:30 AM

1/20/11 11:56 AM

1/19/11 12:06 PM

1/17/11 2:15 PM

1/15/11 10:59 AM

1/14/11 12:13 PM

1/13/11 3:21 PM

1/7/11 9:05 AM

1/6/11 4:31 PM

1/6/11 12:08 PM

1/3/11 2:26 PM